

Bills, Oracle, and Budget Deficit

The chatter heard in the halls and offices of the Capitol this week centered around the Assembly and Senate policy committees hearing a large number of bills before the May 10 deadline. For various reasons (-e.g., starting late in the legislative session to begin hearing bills, and the large number of bills introduced this year) various committees are requesting rule waivers in order to hear bills after the May 10 deadline. Hence, some committees will be hearing bills introduced in their house as late as May 15.

As of today, the Assembly Judiciary Committee estimates that it will be hearing 15 to 20 bills after the deadline. The Senate Judiciary Committee already has scheduled a hearing for May 14, and probably around 5 to 7 bills that did not meet the May 10 deadline will be heard that day.

The media focus on the Oracle Corporation's multi-million dollar software contract with the state, and the \$20 plus billion-budget deficit are getting a lot of attention in and around the Capitol. And of course, energy continues to be a big issue because future demand may not be met after the summer unless additional energy producing plants are completed in the near future.

UPL Bill Clears Senate Judiciary Committee

[SB 1459 \(Romero\)](#), which would subject to felony prosecution scam artists who repeatedly engage in the unauthorized practice of law in order to defraud consumers, was approved by the Senate Judiciary Committee Tuesday, April 30, on a 5-1 vote. The bill now returns to the Senate Rules Committee, which will decide whether to re-refer the measure to the Senate Public Safety Committee, or refer it directly to Appropriations Committee.

State Bar President Karen Nobumoto, whose experience as a prosecutor inspired the bill, testified in favor of it at the committee hearing, along with Tom Papageorge, Head

Deputy in the L.A. District Attorneys Office's Consumer Protection Division, and a representative of AARP. Numerous minority and local bar associations sent letters on behalf of the bill.

This bill would clarify existing law that makes it chargeable (as a felony) for a disbarred or suspended lawyer to advertise or hold him/herself out as a practicing attorney, or a person entitled to practice law.

"Gut & Amends"

Most people think of amendments as adjustments made to legislation to fix technical problems or resolve opposition. Some amendments, however, amount to starting over again, striking the entire contents of an existing bill ("gutting" it) and substituting what amounts to a brand new bill. Bills to which this is done are known in legislative parlance as "gut & amends."

Despite name and appearances, the "gut & amend" process is not nefarious (or at least not often). Sometimes an original version of a bill proves to be too problematic or flawed to fix by mere tinkering, and it becomes necessary to try a complete different approach to resolving the problem – or maybe a different problem altogether. On other occasions, a problem will arise requiring a legislative fix, and no germane vehicle can be found to accomplish the task.

Whatever the case, however, the "gut & amend" process can be extremely problematic to individuals trying to keep track of legislation, since bills so created are not subject to the constitutional requirement that a bill be in print for 30 days before it can be heard. Rather, a bill created through the "gut & amend" process is subject only to legislative rules requiring specified public notice before a bill may be heard in a legislative committee (usually four days notice the first time a bill is heard in a policy committee, and two days notice for all subsequent hearings in the same house. And the only real solution is to keep on top of the [bills amended in the Legislature](#).